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## PATENT APPLICATION

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65728

Daisuke NOHARA, et al.

Group Art Unit: 1714

Appln. No.: 09/923,533

Examiner: Katarzyna I. Wyrozebski Lee

Confirmation No.: 2113

Allowed: October 19, 2004

Filed: August 8, 2001

Patent No.: 6,806,303

For: ADDITIVE FOR RUBBER COMPOSITION, ADDITIVE COMPOSITION FOR RUBBER COMPOSITION, RUBBER COMPOSITION AND TIRE

#### **REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT (UNDER 37 C.F.R. § 1.705(d))<sup>1</sup>**

##### **MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the Patent Term Adjustment ("PTA") for this Application be set at 249 days. Enclosed are a copy of the Determination of Patent Term Adjustment forwarded with the Notice of Allowance and a copy of the Issue Notification for the above-identified application. Also enclosed is a printout from the PAIR system.

Applicants received a *Determination of Patent Term Adjustment under 35 U.S.C. § 154(b)* that indicated that the PTA would be set to 249 days (see May 17, 2004 *Notice of Allowance*).

On September 30, 2004, Applicants received an *Issue Notification* that indicated that the PTA had been reset to 181 days.

As suggested in the *Issue Notification*, Applicants reviewed PAIR to determine why the PTA had been reduced. PAIR indicated that a PTO delay of 253 days accrued between the

<sup>1</sup> 37 C.F.R. § 1.705(d) is specifically directed toward modification of the PTA due to changes in issue date. However, the PTO has indicated that this section should be used in the situation described herein.

Request for Reconsideration of Patent Term Adjustment  
U.S. Application No. 09/923,533 (Patent No. 6,806,303)

"Initial Exam Team" entry (August 8, 2001) and the mailing of the Non-Final Rejection (June 18, 2003).

PAIR indicated, however, that the PTA is 181 days. It is indicated that there was 72 days of Applicant delay. This delay appears to have been partially assessed due to Applicants delay in filing a Response under 37 C.F.R. § 1.111 on September 22, 2003. This response was delayed due to Federal Government being closed on Thursday, September 18, 2003, and Friday, September 19, 2003, due to Hurricane Isabel. There also is a delay assessed due to "workflow - drawings finished".

Applicants note that as the U.S. Patent and Trademark Office was closed on the initial due date of September 18, 2003 and thereby were required to file the Response under 37 C.F.R. § 1.111 on September 22, 2003, Applicants should not be assessed a four (4) day penalty. Also, as there were no drawings associated with this application, Applicants should not be assessed a further deduction of sixty-eight (68) days.

Applicants therefore submit that they are entitled to a PTA of 253 days.

Under 35 U.S.C. § 154(b)(1)(A)(i), it is considered PTO delay when at least one of the notifications under 35 U.S.C. § 132 or a notice of allowance are issued after 14 months of the date on which an application was filed under 35 U.S.C. § 111(a).


Such a reduction, however, should not be applicable in this case.

Therefore, Applicant Delay in this Application should be zero days.

Thus, for *at least* the above reasons, Applicants respectfully submit that the reduction of PTA to 181 days is improper. Applicants respectfully request that the PTA be reset at 253 days.

A check for the statutory fee of \$200.00 is attached (under 37 C.F.R. § 1.705(d)). The USPTO is directed and authorized to charge all required fees, including any fee required for the instant petition to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

  
Patrick F. Gallagher  
Registration No. 54,109

SUGHRUE MION, PLLC  
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Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER

Date: December 6, 2004

Printer Friendly

09/923,533

ADDITIVE FOR RUBBER COMPOSITION, ADDITIVE COMPOSITION FOR RUBBER

COMPOSITION, RUBBER COMPOSITION AND TIRE

## Patent Term Adjustment History

## Patent Term Adjustment (PTA) for Application Number: 09/923,533

			Days
Filing or 371(c) Date:	08-08-2001	USPTO Delay (PTO):	253
Issue Date of Patent:	10-19-2004	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay(APPL):	72
Post-Issue Petitions (days):	+0	Total PTA:	181
USPTO Adjustment(days):	+0	Explanation Of Calculations	

## Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL (Days)
10-19-2004	Patent Issue Date Used in PTA Calculation		
09-29-2004	PTA 36 Months		
09-02-2004	Receipt into Pubs		
09-01-2004	Dispatch to FDC		
08-15-2004	Application Is Considered Ready for Issue		
08-13-2004	Workflow - Drawings Finished	↑	68
08-04-2004	Mailroom Date of Issue Fee Payment	↑	
08-04-2004	Issue Fee Payment Recorded	↑	
05-28-2004	Workflow - File Sent to Contractor	↑	
05-17-2004	IFW TSS Processing by Tech Center Complete	↑	
05-17-2004	Mail Notice of Allowance	↑	
05-17-2004	Mail Examiner's Amendment	↑	
05-14-2004	Notice of Allowance Data Verification Completed	↑	
05-14-2004	Case Docketed to Examiner in GAU	↑	
05-14-2004	Examiner's Amendment Communication	↑	
05-14-2004	Notice of Allowability	↑	
05-13-2004	Examiner Interview Summary Record (PTOL - 413)	↑	
03-18-2004	Date Forwarded to Examiner	↑	
03-15-2004	Response after Non-Final Action	↑	
12-16-2003	Mail Non-Final Rejection	↑	
12-12-2003	Non-Final Rejection	↑	
10-01-2003	Date Forwarded to Examiner	↑	
09-22-2003	Response after Non-Final Action	↑	4
06-18-2003	Mail Non-Final Rejection	253	
06-13-2003	Non-Final Rejection	↑	
03-11-2002	Request for Foreign Priority (Priority Papers May Be Included)	↑	
12-27-2001	Information Disclosure Statement (IDS) Filed	↑	
11-02-2001	Case Docketed to Examiner in GAU	↑	
09-19-2001	Application Dispatched from OIPE	↑	
		↑	

09-12-2001	Correspondence Address Change	
08-15-2001	IFW Scan & PACR Auto Security Review	↑
08-08-2001	Preliminary Amendment	↑
08-08-2001	Initial Exam Team nn	↑

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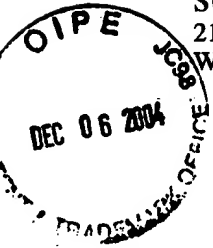
UNITED STATES DEPARTMENT OF COMMERCE  
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[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,533	10/19/2004	6806303	Q65728	2113

7590

09/30/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037



## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### **Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)** (application filed on or after May 29, 2000)

The Patent Term Adjustment is 181 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Daisuke Nohara, Kodaira City, JAPAN;  
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# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,533	08/08/2001	Daisuke Nohara	Q65728	2113

7590 05/17/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

WYROZEBSKI LEE, KATARZYNA I

ART UNIT PAPER NUMBER

1714

DATE MAILED: 05/17/2004

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 249 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 249 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

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